IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Crl.MC.No. 1711 of 2007()

CP.58/2001 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOTTARAKKARA
(CRIME NO.119/99 OF POOYAPPALLY POLICE STATION, KOLLAM)

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PETITIONER: ACCUSED NO. 1 TO 4

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1. THAMPI, S/O RAGHAVAN,
EDAYILAPANDIYIL HOUSE, MURUNTHAL CHERI,
THRIKKADAVOOR VILLAGE, KOLLAM DISTRICT.

2. JAYARAJ, S/O CHANDRASEKHARAN,
SUSEELA NIVAS, MUTTAVILA MURI,
KEEZHAVOOR VILLAGE, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT.

3. JAYACHANDRAN, S/O KRISHNAN,
ANJALI HOUSE, MUKKOLACKAL, NEDUMANGADU TALUK,
THIRUVANANTHAPURAM DISTRICT.

4. JAYAKUMAR, S/O BALAKRISHNAN NAIR,
JAYA MANDIRAM, MARUTHAMONPALLI,
MARUTHAMONPALLI MURI, POOYAPPALLY VILLAGE,
KOLLAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY
SUB INSPECTOR OF POLICE, POOYAPPALLY POLICE
STATION, KOLLAM DISTRICT, BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

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Crl.M.C.No.1711 Of 2007

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Dated this the 20th day of June, 2007

ORDER

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni** [2007(1) KLT 151 (S.C)], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of C.R. No.119 of 1999 of Pooyappally Police Station, Kollam (in which final report has been filed and cognizance has been taken in C.P.No.58/2001 by the learned Magistrate) against the petitioners are hereby quashed.

(R.BASANT, JUDGE)

sj